9/15/71

Mr. Haggerty
Metro Desk
The New York Times
Times Square, N.Y.

Dear Mr. Haggerty,

Intermittently, as I have time tonight, I will write a few suggestions pursuant to our conversation this afternoon. I regret I did not write the name of the editor to whom you referred me. And I hope you will understand it is my concern and the certainty that if anyone can do what must be done at Attica it is the Times that impels these suggestions. My own work is more than I can keep up with, but this is a disaster the full potential of which I have not seen or heard suggested, and the more irresponsible threats and condemnations are aired by lightweights with access to a camera, the greater the potential for more harm.

Something like this had to follow San Questin. What will follow this God alone knows. I hope this can have an outcome that may diminish the possibilities and that can at least result in a declaration of intent to erase some injustices, to restore some denied rights.

In my younger day I was part of several official investigations of what were designated "massacres". In each case it was impossible to get the truth from the police. In each case vital fact, somehow, just managed to get "lost", records just happened not to have been kept. The first assignment that awaited me on wartime assignment to the OSS was based on no more than the late General Wild Bill Donovan's hunch, as I was able to prove, a correct one, that four of his boys has been framed. Yet I am not anti-police and, in fact, I work with a police agency to which I have been able to supply information it could not otherwise obtain.

My concern is not that the press will not be able to obtain access to most of the information, for I am confident that may well have been made impossible by now. It is, rather, that it will not find it possible to obtain and understand enough of the evidence. If you were aware of my published and unchallenged and more, my unpublished work on the investigation of the JFK assassination you would have a glimmer of what I mean by the instinctive and often immediate police self-protection mechanism. Should this at some time interest you, on a basis of confidence it is accessible to you. The most essential evidence no longer exists, and I am talking of what I mentioned to you, that kind of evidence. These things can get so complicated that no one mind can hold them all, that no single reporter, regardless of competence, can be alert to them or in many cases aware of them.

Thus I hoped that as a consequence of my call, despite the refusal of almost everyone to say anything except in self-justification, I hoped the Times would fond it possible to ask if these obvious tests (and the normal ballistics ones) had been made, had been properly isolated and identified, would be reported upon, and that the requisite evidence would likewise be preserved without confusion. It is the kind of think that would not occur to most reporters with too much to do already.

One thing I did not say is that some effort should be made to get every surviving prisoner to write out and date a full statement of his recollection of the attack and what immediately preceeded and followed it. You may recall that all the press was removed in advance. It therfore will have nothing but the official version. One possible means would be to buy radio time locally and broadcast this request. The prisoners could then hold their statements until such a time as their lawyers may see them. The reason they cannot now has

,o do woth confusion. It is to prevent what happened at San Quentin, when the prisoners immediately blew the official mythology about whatx happened there and to the degree possible, to prevent the kind of embarras ment that followed the phoney Chicago Panther "investigation" by the police. I think that were the Times to ask the prisoners to do this, and to ask that they be forwarded only through each prisoner's lawyer if he so elected, there could be no question of abdicated rights and no charge made against the Times. Rather would anyone questioning that procedure be suspect. Is it not strange that when there is all this talk of an "inve tigation" the State has not asked each prisoner to do it? This can hardly be because the States has no lawyers, does not know how to investigate, or wants the best recollection possible. I have seen too many official self-investigations not to anticipate the inevitable.

One of the things I did not mention is a new science, official police and legal semantics. Especially when they use their cliches. It is easy to misread what reports says, for this is the intent. But in most cases, it can be pointed out that the police are not reporters and the language was miscinstrued. It has become quite a skill. I have been analyzing this for years.

I understand the White House has announced there will be no federal investigation. This is a political decision, not a legal one. If any two of all those police combined for a single impropriety, then the Civil Rights Act's conspiracy provision was violated. This can't be determined policically, can be only by an investigation. Investigation is not an accusation of guilt. It can also establish innocence. Reluctance to establish innocence is not unreasonably questioned.

But if all the incriminating evidence I suspect may not be destroyed at any point seems in danger of being forced out, it will be a simple matter to give all this evidence to the FBI, which will then preserve it. The press has tended not to question the FBI fiction that all its files are secret. Some are, some can't be, and some lose their secrecy. Should this happen, may I ask that you keep copies of all official statements and, if you would like to obtain them, I think I can show you how it can be accomplished. I have been able to do this after being refused by Kleindienst personally (the last chapter of my FRAME-UP dels with the highlights and the disclosures, also relevant to such investigations). I would also suggest that if any interpretations of evidence are made public you keep the official copies and, if it is not asking too much, send me xeroxes so I may study them. If I think I see in them what may be hidden, I'll phone you. This has happened before. It can again. I am more adjusted to thei special lingo and syntax than most. I have one of the two largest collections of FBI reports anywhere.Thousands and thousands of pages-perhaps 2,000 I haven't been able to catalogue yet. It is not uncommon for them to really say the opposite of what they are represented as saying.

Each sample of evidence saved, by the way, should have the identifying initials of whoever dirst isolated it. It is or at least was normal for the police to require the accounting of all expended ammo of specified types, another item you may want. Some evidence is properly withheld to defend the rights of those who may be subject to charges, but this is not. Some should be withheld to preserve the rights of privacy, but this is one of the larger brushes for the smearing of whitewash. I am not suggesting that everything public authority does is suspect, but I am suggesting it is not unwise to consider each case as a separate one. When police are under criticism they do what they regard as necessary. In my investigations I know of no exception, nor do I recall any conspicuous case in which one agency did not protect all others.

I hope this is not coaling Newcastle, that the length is no burden to you, and that you can puzzle out my typos, for I work an avergae 19-hour day still. I do hope the Times will persist in this major effort, and to the revelation of truth to the degree it is possible.If I can help in any way, just call me.

Sincerely,

Harold Weisberg